



NATIONAL
ARCHIVES

Sent via FOIAonline

October 7, 2019

Freddy Martinez
MuckRock News, DEPT MR 81247
411A Highland Ave.
Somerville, MA 02144

RE: Freedom of Information Act Request NGC20-006

Dear Mr. Martinez:

This is in response to your Freedom of Information Act (FOIA) request dated, October 7, 2019, that we received in our office on the same date via *FOIAonline*. We assigned your request the above internal tracking number in addition to your *FOIAonline* tracking number NARA-NGC-2020-000007. In your request, you asked for:

All documents that your office [sic] has pertaining to Dr. Benjamin Emanuel.

The National Archives and Records Administration (NARA) is the repository for documents and materials created in the course of business conducted by agencies of the **Executive** branch of the United States Federal government. We estimate that less than 5% of these records are retained permanently for legal or historical purposes. Federal agencies usually transfer their permanent records to NARA no earlier than 15 years from the date of creation, but we receive many well after 30 years from the date of creation.

The U.S. Freedom of Information Act (FOIA) grants the public the right to request access to **records** from any U.S. federal government agency. The FOIA does not require agencies to conduct research, answer questions, or analyze data.

In order for an agency to locate responsive records, the requester needs to describe:

1. the **type** of records he is looking for,
2. the name of any federal agency he thinks may be the creator of such records,
3. a brief description of the records,
4. the time period of the records, and

5. any case number or file number assigned to the records, if applicable.

Unfortunately, your FOIA request does not identify which agency of the Executive branch you may be referring to, and does not give a date range for any records. Without this information, we cannot locate possibly responsive records. Therefore, your request is an improper FOIA request.

For federal agency records transferred to the legal custody of NARA, there is no way to retrieve individual records merely by a name. An individual can search our archival records by topic, by agency or by record group number in our online catalog at www.archives.gov . A FOIA request is not required for records that are open to the public for research.

You noted in your request that Dr. Emanuel immigrated to the U.S. in 1953. He may have an alien file (known as an “A” file) that would be in the legal custody of the U.S. Citizenship and Immigration Services (USCIS) Agency, a component of the Department of Homeland Security. USCIS holds the alien file until 100 years after the date of birth of the alien; then the record is accessioned to NARA’s regional archive at Kansas City, MO. Please refer to the USCIS FOIA website <https://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/how-file-foia-privacy-act-request/how-file-foia-foipa-request> for information regarding access to petition records, and other types of records they hold by third parties who are not relatives of the alien. The USCIS does not participate in the *FOIAonline* portal.

This completes the processing of your FOIA request to us.

If you are not satisfied with our action on this request, you have the right to file an administrative appeal within ninety (90) calendar days from the date of this letter via regular U.S. mail or email. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency’s decision. If you submit your appeal in writing, please address it to the Deputy Archivist of the United States (ND), National Archives and Records Administration, 8601 Adelphi Road, College Park, Maryland 20740. Both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” If you submit your appeal by e-mail please send it to FOIA@nara.gov, also addressed to the Deputy Archivist of the United States. Please be sure to explain why you believe this response does not meet the requirements of the FOIA. All correspondence should reference your case tracking number **NGC20-006** and your *FOIAonline* tracking number.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison Gary M. Stern for assistance at:

National Archives and Records Administration
8601 Adelphi Road, Room 3110
College Park, MD 20740-6001
301-837-1750
garym.stern@nara.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is noted below:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road—OGIS
College Park, MD 20740-6001
ogis@nara.gov
ogis.archives.gov
202-741-5770
1-877-684-6448

You may reach me at the number and email address below. Thank you for contacting the National Archives and Records Administration.

Sincerely,

Susan Gillett
Government Information Specialist
Office of General Counsel
Tel: 301-837-3409
Email: susan.gillett@nara.gov